

Docket No.: 12810-00016-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lysander Chrisstoffels et al.

Application No.: 10/524,370

Confirmation No.: 9915

Filed: February 10, 2005

Art Unit: 1618

For: CROSS-LINKED CATIONIC COPOLYMERS
COMPRISING REGULATORS, AND USE
THEREOF IN COSMETIC PREPARATIONS
FOR HAIR

Examiner: J. W. Rogers

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Restriction Requirement set forth in the Office Action mailed April 18, 2008, Applicants provisionally elect Group I, claims 1-6 and 18-22, drawn to a cosmetic composition comprising polymers, with traverse. Further, Applicants elect, for search purposes only, the Species of monomer a having the formula I. Reconsideration and withdrawal of the Restriction Requirement/Election of Species Requirement is strongly urged for the reasons set forth below.

REMARKS

The Office Action makes a restriction between Group I, Claims 1-6 and 18-22, drawn to a cosmetic composition comprising polymers; Group II, Claims 7-12, drawn to a polymer containing monomers of formula I; Group III, Claims 13 and 15 drawn to a process for the preparation of polymers by free-radically initiated copolymerization of a monomer mixture; Group IV, Claims 7 and 14, drawn to a polymer containing the monomers of formula II; and Group V, Claims 7 and 14, drawn to a polymer containing the monomers of formula III. Claims 1-15 and 18-22 are indicated as being generic. Further, the Office Action requires an election of species for a monomer (a) from among Formulas I, II and III.

Applicants elect group I, claims 1-6 and 18-22, with traverse. Further, the Species of monomer a having formula I is elected with traverse. Claims 4, 8, and 20 read on the elected Species. At least claims 1-3, 5-7, 9-13, 18, 19, 21, and 22 are generic.

The Office Action asserts that a restriction is proper and that the pending claims do not share a single inventive concept because monomers of formula I are allegedly suggested in U.S. 5,962,613 to Schade et al. However, the Office Action fails to point to claim recitations establishing that the claims do not recite a special technical feature. Schade et al. is the U.S. counterpart to WO 97/37525, which is discussed in the specification at page 4, lines 1-4. As set forth at page 4, lines 20-29, of the specification, Schade et al. suffers from the same deficiencies of polymers of the related art in that the preparation according to Schade et al. of the polymers as solutions takes place with a very low solids content because otherwise the viscosities of these solutions are too high. An additional disadvantage is the production of a relatively large fraction of undissolved gel particles. This leads to a large number of performance disadvantages, such as, for example, prolonged polymerization times, and long filtration and bottling times. The low solids content results in high costs during the preparation (vessel capacities) and high transportation costs.

Accordingly, Schade et al. fails to suggest polymers comprising all of the associated benefits of a composition containing polymers as claimed.

Applicants respectfully request that the restriction be withdrawn because a search for a composition comprising polymers, as recited in the claims of Group I will also reveal the corresponding polymers of Group II, as well as the process of preparation of polymers of Group III.

Applicants note that the Restriction Requirement incorrectly states that claim 7 reads on monomers a having formula II and III. Claim 7 is generic. Further, Group II, claims 7-12, is not drawn to a polymer of formula I, as asserted in the Office Action. While claim 8 reads on the Species of monomer a having formula I, claims 7 and 9-12 are generic.

In addition, Applicants respectfully request that upon the allowance of the generic claims, the search be expanded to the Species of monomer a having formula II and III because two formulas are a small and easily searchable group.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00016-US from which the undersigned is authorized to draw.

Dated: July 18, 2008

Respectfully submitted,

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